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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,530	10/06/2003	William L. Mohan	MO-0214	3967
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ROBERT A. BROWN		EXAMINER		
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NORTHBROOK, IL 60065-2127				
		ART UNIT	PAPER NUMBER	
		2873		

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/679,530	Applicant(s) MOHAN, WILLIAM L.	
	Examiner Jessica T. Stultz	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to: See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner's Comments

For applicant's information, the amendments to claims 1-6, overcome the previous objections and 112 rejections of these claims.

Claim Objections

Claim 6 is objected to because of the following informalities: claim 6, line 6, "the steps of providing" should be "the steps of: providing". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker US 4,958,924, herein referred to as Parker '924, in view of Feinbloom US 5,452,030, herein referred to as Feinbloom '030.

Regarding claim 1, Parker '924 discloses a vision correcting optical device for redirecting incoming image scene light rays from a person's damaged central macular retina area identified as the fovea to a predetermined non-damaged macular retinal area identified as the perifoveal area (Column 3, line 44-Column 4, line 43 and Column 6, line 56-Column 7, line 62, wherein the light rays are directed to a predetermined and most functional portion of the retina, i.e. a non-damaged portion of the retina, to improve the vision of macular degenerated eyes) comprising: at least one prism lens having a predetermined index of refraction (Column 6, lines 27-55 and

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Column 7, lines 48-62, wherein the prism lenses are made of a selected material for the desired optical properties, Figures 1-5) for receiving and causing controlled deviation of coaxial parallel light rays (Column 6, line 56-Column 7, line 62, wherein the light rays are deviated by two prism lenses "48", Figures 1-5), for converting the light rays to parallel oblique rays prior to passing through a lens of the human eye and registering an image of the rays on the retina, whereby the at least one prism lens is effective to redirect light rays through the human eye lens to a predetermined focused position on a non-damaged macular retinal area (Column 3, line 44-Column 4, line 43 and Column 6, line 56-Column 7, line 62, wherein the light rays are directed to a predetermined and most functional portion of the retina, i.e. a non-damaged portion of the retina, to improve the vision of macular degenerated eyes), but does not specifically disclose that the prisms are wedge shaped, wherein the lenses have a tapered preselected wedge angle for causing deviation of the light rays. Feinbloom '030 teaches of an assembly where prism lenses are used to redirect light rays and are wedge shaped (Column 4, line 32-Column 5, line 61, wherein the wedge-shaped prisms "25" are rotated in an oriented relationship to each other, Figures 6-7), wherein the lenses have a tapered preselected wedge angle for causing deviation of the light rays (Column 5, lines 18-33, wherein the prisms have pre-selected wedge angles to deviate the path of the light rays, Figures 7-8) for the purpose of forming an image at a single point with binocular vision (Column 5, lines 45-61). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the optical device of Parker '924 to further include wedge shaped prisms since Feinbloom '030 teaches of an assembly where prism lenses are used to redirect light rays and are wedge shaped, wherein the

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lenses have a tapered preselected wedge angle for causing deviation of the light rays for the purpose of forming an image at a single point with binocular vision.

Regarding claim 2, Parker '924 and Feinbloom '030 disclose and teach of a vision correcting optical device as shown above and Parker '924 further discloses that the at least one prism lens comprises a pair of identical prism lenses, one lens for each eye (Column 6, line 56-Column 7, line 62, wherein two prism lenses "48" are provided, Figures 1-5), the lenses being adaptable to be positioned so as to provide identical image repositioning to each eye to achieve binocular accommodation such that each eye is focused on the same point of interest (Column 4, lines 25-43, Column 5, lines 12-39, and Column 6, line 56-Column 7, line 62, wherein the lenses are positioned to convert the rays and form a focused image at the same point), but does not specifically disclose that the prisms are wedge shaped or that one of the lenses is rotated in an oriented relationship to the other lens. Feinbloom '030 teaches of an assembly wherein wedge shaped prism lenses are used to redirect light rays, wherein one of the lenses is rotated in an oriented relationship to the other lens (Column 4, line 32-Column 5, line 61, wherein the wedge-shaped prisms "25" are rotated in an oriented relationship to each other, Figures 6-7) for the purpose of forming an image at a single point with binocular vision (Column 5, lines 45-61). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the optical device of Parker '924 to further include wedge shaped prisms, wherein one of the lenses is rotated in an oriented relationship to the other lens since Feinbloom '030 teaches of an assembly wherein wedge shaped prism lenses are used to redirect light rays, wherein one of the lenses is rotated in an oriented relationship to the other lens for the purpose of forming an image at a single point with binocular vision.

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Regarding claim 3, Parker '924 and Feinbloom '030 disclose and teach of a vision correcting optical device as shown above and Parker '924 further discloses that the prism lens are adaptable to be compound and supplement correction of an existing pair of image corrective optics (Column 5, line 64-Column 6, line 55, wherein the prism lenses "48" provide supplemental correction to corrective lenses "38", Figures 1-5).

Regarding claim 4, Parker '924 and Feinbloom '030 disclose and teach of a vision correcting optical device as shown above and Parker '924 further discloses that the prism lens are adaptable to be installed in spectacle frames and worn by persons who require corrective repositioning of light rays (Column 5, line 12-Column 7, line 62, wherein the prism lenses "48" are formed in spectacle frame "28", Figures 1-5).

Regarding claim 5, Parker '924 and Feinbloom '030 disclose and teach of a vision correcting optical device as shown above and Parker '924 further discloses that the prism lens are adaptable to be installed in spectacle frames and attached to glasses worn by persons who require other refractive vision correction (Column 5, line 12-Column 7, line 62, wherein the prism lenses "48" are formed in spectacle frame "28", which can be attached to vision corrective lens frame "12", Figures 1-5).

Regarding claim 6, Parker '924 discloses a method of making a vision correcting optical device for redirecting incoming image scene light rays from a person's damaged central macular retina area identified as the fovea to a predetermined non-damaged macular retinal area identified as the perifoveal area (Column 3, line 44-Column 4, line 43 and Column 6, line 56-Column 7, line 62, wherein the light rays are directed to a predetermined and most functional portion of the retina, i.e. a non-damaged portion of the retina, to improve the vision of macular

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degenerated eyes) comprising the steps of: providing a first prism lens having a predetermined index of refraction (Column 6, lines 27-55 and Column 7, lines 48-62, wherein the prism lenses are made of a selected material for the desired optical properties, Figures 1-5) for receiving and causing controlled deviation of coaxial parallel light rays (Column 6, line 56-Column 7, line 62, wherein the light rays are deviated by two prism lenses "48", Figures 1-5), providing a second prism lens for the other human eye having a predetermined index of refraction (Column 6, lines 27-55 and Column 7, lines 48-62, wherein the prism lenses are made of a selected material for the desired optical properties, Figures 1-5) for receiving and causing controlled deviation of coaxial parallel light rays for the other human eye (Column 6, line 56-Column 7, line 62, wherein the light rays are deviated by two prism lenses "48", Figures 1-5), positioning one of the prism lenses to convert the light rays to parallel oblique rays prior to passing through the lens of the human eye, and providing identical image repositioning to each eye to achieve binocular accommodation such that each eye is focused on the same point of interest (Column 4, lines 25-43, Column 5, lines 12-39, and Column 6, line 56-Column 7, line 62, wherein the lenses are positioned to convert the rays and form a focused image at the same point), but does not specifically disclose that the prisms are wedge shaped or that one of the lenses is rotated in an oriented relationship to the other lens. Feinbloom '030 teaches of an assembly wherein wedge shaped prism lenses are used to redirect light rays (Column 4, line 32-Column 5, line 61, wherein the wedge-shaped prisms "25" are rotated in an oriented relationship to each other, Figures 6-7), wherein the lenses have a tapered preselected wedge angle for causing deviation of the light rays (Column 5, lines 18-33, wherein the prisms have pre-selected wedge angles to deviate the path of the light rays, Figures 7-8), and wherein one of the lenses is rotated in an oriented relationship to

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the other lens (Column 4, line 32-Column 5, line 61, wherein the wedge-shaped prisms "25" are rotated in an oriented relationship to each other, Figures 6-7) for the purpose of forming an image at a single point with binocular vision (Column 5, lines 45-61). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the method of making an optical device of Parker '924 to further include wedge shaped prisms, wherein the lenses have a tapered preselected wedge angle for causing deviation of the light rays, and wherein one of the lenses is rotated in an oriented relationship to the other lens since Feinbloom '030 teaches of an assembly wherein wedge shaped prism lenses are used to redirect light rays, wherein the lenses have a tapered preselected wedge angle for causing deviation of the light rays, and wherein one of the lenses is rotated in an oriented relationship to the other lens for the purpose of forming an image at a single point with binocular vision.

Response to Arguments

Applicant's arguments filed January 27, 2006 have been fully considered but they are not persuasive. Specifically, regarding claim 1, applicant argues that the structure of the wedge shaped lens is not anticipated by Parker '924 or taught by Feinbloom '030 and that there would be no motivation to combine the two references. The examiner agrees that the wedge shaped lens structure is not disclosed in Parker '924. However, Feinbloom '030 teaches of an assembly wherein wedge shaped prism lenses are used to redirect light rays (Column 4, line 32-Column 5, line 61, wherein the wedge-shaped prisms "25" are rotated in an oriented relationship to each other, Figures 6-7), wherein the lenses have a tapered preselected wedge angle for causing deviation of the light rays (Column 5, lines 18-33, wherein the prisms have pre-selected wedge angles to deviate the path of the light rays, Figures 7-8), and wherein one of the lenses is rotated

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in an oriented relationship to the other lens (Column 4, line 32-Column 5, line 61, wherein the wedge-shaped prisms "25" are rotated in an oriented relationship to each other, Figures 6-7) for the purpose of forming an image at a single point with binocular vision (Column 5, lines 45-61).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Feinbloom '030 teaches of an assembly wherein wedge shaped prism lenses are used to redirect light rays, wherein the lenses have a tapered preselected wedge angle for causing deviation of the light rays, and wherein one of the lenses is rotated in an oriented relationship to the other lens for the purpose of forming an image at a single point with binocular vision, as shown above. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made for the optical device of Parker '924 to further include wedge shaped prisms since Feinbloom '030 teaches of an assembly where prism lenses are used to redirect light rays and are wedge shaped, wherein the lenses have a tapered preselected wedge angle for causing deviation of the light rays for the purpose of forming an image at a single point with binocular vision.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

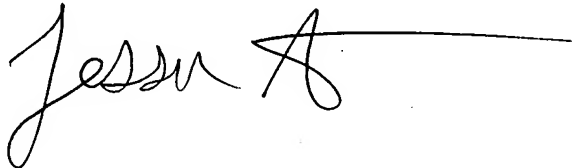
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica T. Stultz whose telephone number is (571) 272-2339. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jessica Stultz
Patent Examiner
AU 2873
April 3, 2006

A handwritten signature in black ink, appearing to read "Jessica Stultz", followed by a long horizontal line extending to the right.A handwritten signature in black ink, appearing to read "Jordan Schwartz", with a large, stylized loop at the end.

JORDAN SCHWARTZ
PRIMARY EXAMINER